

UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Toan C. To	Art Unit: 3616
Re: Application of:	David S. Breed et al.
Serial No.:	10/733,957
Confirmation No.:	8145
Filed:	December 11, 2003
For:	Weight Measuring Systems and Methods for Vehicles
Customer Number:	22846

REBUTTAL BRIEF UNDER 37 C.F.R. §41.71

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

April 21, 2006

Dear Sir:

In response to the issues raised in the Examiner's Answer mailed April 7, 2006, appellants, through their attorney, comment as follows:

As to issue (1) on page 5 of the Examiner's Answer, it is respectfully submitted that the Examiner is replacing the inventors' consideration of the scope of their invention with his own. There is absolutely no statement in the '707 patent that the inventors considered the embodiment(s) shown in Figs. 2 and 9 of the '707 patent and the embodiment(s) shown in Figs. 5 and 10A to be "completely different". Quite the opposite as there is a statement that the inventors intended that parts of the disclosed embodiments may be applied in different ways other than disclosed and thus could be combined to by part of a common invention (see col. 12, lines 56-64).

As to issue (2) on page 5 of the Examiner's Answer, it is undeniable that in numerous places in the disclosure of the '707 patent, and even in allegedly "completely different" embodiments, the same reference number 150 is used. This is clearly an intentional use to designate the same element, i.e., the

same element which is common to the disclosed embodiments. Use is not made of a “control module 152”, for example. The inventors’ use of reference numeral 150 described as a control circuit or module throughout several views should imply, to one of ordinary skill in the art, that they considered it a common component of embodiments shown in these views. The Examiner should not substitute his position as to the inventors’ intention vis-à-vis the common control circuit or module 150 with his own without explicit support in the ‘707 patent to prove lack of such commonality.

Moreover, it is pointed out that appellants did not point out that the ‘707 patent “is also silent about a ‘common control module’ or ‘single control circuit or module’ as may be understood from the sentence bridging pages 5 and 6 of the Examiner’s Answer.

As to issue (3) on page 6 of the Examiner’s Answer, it is noted that since the chamber is situated in the bottom portion of the seat, the pressure in the chamber can be readily correlated to the weight of the occupying item on the seat. A relationship between pressure in a chamber of a seat and weight is known to those skilled in the art, and therefore one skilled in the art would understand that by reciting that pressure in a chamber in a seat is measured, the weight of the object causing the pressure in the chamber can be obtained.

As to issue (4) on page 6 of the Examiner’s Answer, it is pointed out that the “assumption” recites that the measured pressure in the container or bladder “can be” used as input to the control module 150 to control a vehicular component. A crux of the appellants’ arguments is that this ability would have been readily understood by one skilled in the art based on the disclosure in the ‘707 patent.

As to issue (1) on page 6 of the Examiner’s Answer, the claims of the ‘707 patent relate primarily to determining an optimum adjusted seat or apparatus positioned based on morphology of an occupant. It is not seen how the patentability of these claims is “concerned” based on the knowledge to incorporate a pressure sensor associated with a container situated in a seat bottom portion for control of an airbag.

As to issue (2) on page 7 of the Examiner's Answer, even with the full recitation at col. 12, lines 56-64 of the '707 patent, it can still be concluded that embodiments of the invention having different sensors to accomplish similar goals are contemplated by the inventors, for example, the use of the pressure sensor shown in Fig. 5 for airbag control.

As to issue (3) on page 7 of the Examiner's Answer, Fig. 10A is directed to an embodiment wherein an "apparatus or seat" is adjusted (see the uppermost box on the left). As such, it is not limited to adjustment of the stiffness of the seat, but rather would be understood by one skilled in the art to encompass adjustment of other parameters of the seat, e.g., position, and other apparatus, such as the airbag.

Therefore, upon reason and authority, it is respectfully requested that the Board reverse the final rejection.

An early and favorable action on the appeal is earnestly solicited.

FOR THE APPELLANTS
Respectfully submitted,

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